
HOUSE BILL No. 1240

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-8-14.5.

Synopsis: Insurance for volunteer EMTs. Requires a county, municipality, or township that uses an ambulance service department or association to purchase a policy of insurance to cover each volunteer emergency medical technician (EMT) who is a member of the department or association.

Effective: January 1, 2004.

Young D, Stevenson

January 13, 2003, read first time and referred to Committee on Local Government.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1240

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-8-14.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2004]:

4 **Chapter 14.5. Volunteer Emergency Medical Technicians**

5 **Sec. 1. This chapter applies to all units.**

6 **Sec. 2. As used in this chapter, "member" means a person:**

7 (1) who, as a result of a written application, has been elected
8 or appointed to membership with a provider;

9 (2) who performs, without compensation or with only nominal
10 compensation, the work related duties assigned and orders
11 given to the person by the chief executive officer of the
12 provider, including orders or duties involving education and
13 training as prescribed by the provider or the state; and

14 (3) whose name has been entered on a roster of volunteer
15 emergency medical technicians that is kept by the provider
16 and that has been approved by the proper officers of the
17 provider.



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1 **Sec. 3.** As used in this chapter, "nominal compensation" means
 2 annual compensation of not more than three thousand five
 3 hundred dollars (\$3,500).

4 **Sec. 4.** As used in this chapter, "provider" means a volunteer
 5 ambulance company that has as a member an emergency medical
 6 technician or other person working in a volunteer capacity.

7 **Sec. 5.** As used in this chapter, "volunteer ambulance company"
 8 means a department or an association:

9 (1) that is:

10 (A) organized as a nonprofit corporation or an
 11 unincorporated association; or

12 (B) created by a governmental unit;

13 to provide emergency medical services, including
 14 transportation of ill or injured persons; and

15 (2) in which the majority of members of the department or
 16 association:

17 (A) do not receive compensation; or

18 (B) receive only nominal compensation for their services.

19 **Sec. 6. (a)** Each unit that has a provider shall procure insurance
 20 in the name of and for the benefit of each member. However, if a
 21 contract or an agreement exists between a unit and a provider, the
 22 contract or agreement must provide for insurance of the provider's
 23 members in the amounts and with the coverages required by this
 24 chapter.

25 (b) Unless the contract or agreement stipulates otherwise, all
 26 insurance coverage must be under a group plan, rather than in the
 27 name of each individual member. Either the unit or the provider,
 28 according to the contract or agreement, may undertake
 29 procurement of required insurance. In either case, the costs of
 30 coverage must be borne by the unit. If a provider serves more than
 31 one (1) unit under a contract or an agreement, each unit that the
 32 provider serves shall pay the amount for the insurance coverage
 33 determined under the following formula:

34 **STEP ONE:** For each census block or other area in a unit that
 35 is served by more than one (1) provider, divide the population
 36 of the area by the number of providers serving the area and
 37 round the quotient to the nearest one-thousandth (0.001).

38 **STEP TWO:** Add the quotients determined under STEP ONE
 39 for the unit.

40 **STEP THREE:** Determine the sum of the STEP TWO
 41 amounts for all the units served by the same provider.

42 **STEP FOUR:** Divide the STEP TWO amount for a unit by the

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1 **STEP THREE** amount and round the quotient to the nearest
 2 one-thousandth (0.001).

3 **STEP FIVE:** Multiply the costs of the insurance coverage for
 4 the provider by the quotient determined under **STEP FOUR**,
 5 rounded to the nearest dollar.

6 (c) A diminution of insurance benefits may not occur under this
 7 section because of a change in the insurance carrier or a change as
 8 to who actually procures the required insurance.

9 (d) Each unit that has a provider may procure an insurance
 10 policy for the benefit of auxiliary groups whose members could be
 11 injured while assisting the members in the performance of their
 12 duties.

13 **Sec. 7. (a)** Each unit that has a provider may procure an
 14 insurance policy or any other type of instrument that provides
 15 retirement benefits as an incentive to members for continued
 16 service.

17 **(b)** An insurance policy or other instrument containing any of
 18 the provisions authorized by subsection (a) may not be considered
 19 in the computation of nominal compensation for purposes of this
 20 chapter.

21 **(c)** A member who becomes covered by an insurance policy or
 22 other instrument containing any of the provisions authorized by
 23 subsection (a) does not thereby become eligible for membership in
 24 the public employees' retirement fund under IC 5-10.3.

25 **Sec. 8.** If a unit fails to provide the insurance for a member that
 26 this chapter requires and a member suffers a loss of the type that
 27 the insurance would have covered, the unit shall pay to that
 28 member the same amount of money that the insurance would have
 29 paid to the member.

30 **Sec. 9.** Each policy of insurance must provide for payment to a
 31 member working for a provider for accidental injury caused by or
 32 occurring in the course of the performance of the duties of a
 33 member as follows:

34 **(1)** For total disability that prevents the member from
 35 pursuing the member's usual vocation, the policy shall
 36 provide a weekly indemnity of at least two hundred fifty
 37 dollars (\$250), up to a maximum of two hundred sixty (260)
 38 weeks.

39 **(2)** For medical expenses, coverage for incurred expenses.
 40 However, the policy may not have medical expense limits of
 41 less than seventy-five thousand dollars (\$75,000).

42 **Sec. 10. (a)** The policy of insurance required by section 6 of this

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chapter must provide for the payment of at least one hundred fifty thousand dollars (\$150,000) to the beneficiary, beneficiaries, or estate of a member if the member dies from an injury while in the performance of the member's duties as a volunteer emergency medical technician or from a cardiac disease event proximately caused within forty-eight (48) hours by or occurring while in the performance of the member's duties as a volunteer emergency medical technician.

(b) The policy of insurance must provide for the payment of at least one hundred fifty thousand dollars (\$150,000) to the member if the member becomes totally and permanently disabled for a continuous period of at least two hundred sixty (260) weeks as a result of an injury occurring in the performance of the member's duties as a volunteer emergency medical technician. An amount paid to a member under section 9(1) of this chapter is a credit against any benefits payable under this subsection.

(c) The policy of insurance must also provide for indemnification to a provider of a member who becomes partially and permanently disabled or impaired as a result of an injury occurring in the performance of the member's duties.

(d) For purposes of this section, partial and permanent disability or impairment shall be indemnified as a percentage factor of a whole person.

Sec. 11. All expenses incurred for premiums of the insurance required by this chapter shall be paid out of the general fund of the unit in the same manner as other expenses in the unit are paid.

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